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Reagan's plans for CIA stir controversy

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WASHINGTON — The Democratic representative from California looked as if he were coming down with a case of the willies. It seemed to him the Reagan Administration was planning to unleash a secret police within the United States, and the thought of it had left him agitated and humorless. The Administration has said over and over again that it has no such intention, but Rep. Don Edwards, who chairs the subcommittee on constitutional rights, remains suspicious.

At issue is the Administration's proposed executive order on intelligence activities — a set of dos and don'ts for the "intelligence community" charged with waging America's wars of intrigue against unfriendly foreign powers and against subversion from within.

The specter of domestic spying by the CIA was raised after a secret draft of the order was leaked to the press. If adopted, it would empower the agency to infiltrate domestic organizations for any reason deemed lawful by the CIA director and to influence the activities of the organization or its members, as long as the Attorney General decided that no one's constitutional rights were being violated — functions the CIA historically has been prohibited from performing.

Inherent in the controversy is a philosophical conflict between national security and individual liberty — the legitimate need for some secrecy and spying in the "national interest," vs. the right of free individuals to expect that they won't be spied on by their own country.

The conflict is exacerbated by wariness of the CIA, stemming from revelations of the mid-1970s that its agents had infiltrated the anti-Vietnam war movement, kept files on private citizens, opened mail and committed other illegal acts.

The President is expected to act on the order before Veteran's Day. He does not need the approval of Congress, although he has said he will listen to advice. Members of select intelligence committees in the House and Senate have been conferring privately with the Administration, and the chairmen of both committees — Sen. Barry

from infiltrating or influencing domestic organizations. Members of Congress also have been hearing privately from business leaders who believe that the gravest threat posed by the CIA would not be to dissident political groups, but to corporate America — that given the go-ahead, the CIA will snoop into the private records of corporations having multinational interests.

There has been no public debate. The order is now in the hands of the National Security Council, and the Administration has indicated a willingness to make revisions. The rules of the invisible game of espionage are being formulated behind closed doors that are not likely to open until the President signs the order, by which time public debate would be academic.

"The President can do this without congressional approval," said Edwards. "Congress could pass a law, but even if we could pass it, which we couldn't, the President would veto it . . . In my 19 years on the House Judiciary Committee, Administrations of both parties have always consulted with us. Now they're saying, 'Well, now we've got these intelligence committees in the House and the Senate and these committees are involved in the process.' But they're doing everything behind closed doors, and what do the American people know?"

To get the public "exercised" over what he sees as a clear and present danger, Edwards scheduled public hearings Oct. 28

before the House subcommittee on constitutional rights. Soon after convening the hearings, however, he postponed them. There had been indications that revisions of the draft were forthcoming, and he didn't want to "interfere with any serious negotiations that may be going on . . ."

Historically, the FBI has been in charge of almost all domestic spying, as long as it's conducted in the course of a lawful investigation — while the CIA has handled espionage overseas. Over the years, the relationship between the CIA and the FBI has been intermittently stormy. It has improved since the time former FBI director J. Edgar Hoover cut off communication with the CIA altogether, but there remains

between the two agencies a mutual distrust and a tendency to compete, rather than cooperate.

While the FBI's responsibilities were clearly defined by statute, the 1947 National Security Act that created the CIA was worded in a deliberately vague manner, in order to leave some latitude for special operations. But it did say that the CIA would have no law enforcement or internal security functions, which are the statutory purview of the FBI, and that any domestic activities would be conducted overtly. After excesses by the CIA became known during the Watergate scandal, a commission headed by then Vice President Nelson Rockefeller — and including Ronald Reagan — conducted an investigation into the agency's activities. As a result of its recommendations, then President Gerald Ford drafted an executive order to clarify the CIA's functions, as Jimmy Carter did after him and as Reagan is doing now.

Efforts to locate anyone in the Administration — in the White House, the CIA and on the National Security Council — who would explain what the Administration is trying to accomplish with the executive order were met with a series of "no comments."

The proposal, whose language is so vague that the aid of an informed attorney is needed to make sense of it, states a number of times that civil liberties will be protected and that violation of them is strictly prohibited. Critics say, however, that the stated exceptions to those rules swallow up the prohibitions.

One of the two witnesses Edwards had planned to call before his subcommittee was Kenneth Bass, the Justice Department's counsel for intelligence during the Carter Administration. His inside knowledge of the workings of the intelligence community leads him to believe that the real danger presented by a domestically active CIA would be the infiltration of multinational corporations. He explained why:

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